



AF/2174 \$

PATENT  
Attorney Docket N° 98-0865 (P1397US00) #17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

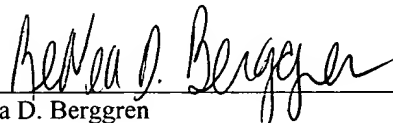
In re Application of : Kim C. Smith  
Serial N° : 09/421,580  
Filed : October 20, 1999  
Group Art Unit : 2174  
Examiner : Tran, M.  
For : SIMULATED THREE-DIMENSIONAL NAVIGATIONAL MENU  
SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on June 17, 2003, in a First Class envelope, with sufficient postage thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
ReNea D. Berggren

DATED: June 17, 2003

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed May 6, 2003 finally rejecting claims 1-76.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

- ☒ other than a small entity;  
☐ small entity.

Verified Statement:

☐ attached ☐ already filed on \_\_\_\_\_

06/24/2003 MGBREM1 00000096 500439 09421580  
01 FC:1401 320.00 DA

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. §1.17(e) the fee for filing the Notice of Appeal is:

- |                                     |                           |          |
|-------------------------------------|---------------------------|----------|
| <input type="checkbox"/>            | small entity              | \$160.00 |
| <input checked="" type="checkbox"/> | other than a small entity | \$320.00 |

**Notice of Appeal fee: \$320.00**

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$410.00	\$205.00
<input type="checkbox"/>	three months	\$930.00	\$465.00
<input type="checkbox"/>	four months	\$1,450.00	\$725.00

**Extension Fee: \$0.00**

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.  
Extension fee due with this request: \$\_\_\_\_\_

**or**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is

Notice of Appeal fee \$ 320.00.

Extension fee (if any) \$ 0.00.

**TOTAL FEE DUE: \$ 320.00**

5. **FEE PAYMENT**

Please charge Deposit Account N° 50-0439 the sum of \$320.00. A duplicate of this *Transmittal* is attached for accounting purposes. If any additional extension and/or fee is required, please charge Deposit Account N° 50-0439. If any additional fee for claims is required, please charge Deposit Account N° 50-0439.

Please direct all correspondence to:



MARK WALKER, ESQ.  
GATEWAY, INC.  
MS SD-21  
14303 GATEWAY PLACE  
POWAY, CA 92064  
(858) 848-3449 TELEPHONE  
(858) 848-2671 FACSIMILE

DATE: June 17, 2003.

Respectfully submitted,

Gateway, Inc.,

By Walter J. Malinowski  
Walter J. Malinowski  
Reg. N° 43,423